

SCHEDULE 1

rule 4

THE CRITERIA FOR ENTRY INTO A FULL NETWORK ACCESS AGREEMENT

Qualified persons

- 1.—(1) That the applicant is—
 - (a) a qualified person,
 - (b) a partnership or limited liability partnership at least one of whose members is a qualified person,
 - (c) a person who employs or has among his staff, or being a body corporate (other than a limited liability partnership) has among its officers, at least one qualified person who will make or supervise the making of applications to the land registry in the course of his employment or as such member of staff or officer, or
 - (d) a government department.
- (2) For the purposes of this paragraph, “qualified person” means—
 - (a) a solicitor,
 - (b) a licensed conveyancer within the meaning of section 11(2) of the Administration of Justice Act 1985⁽¹⁾,
 - (c) a barrister,
 - (d) a duly certificated notary public, or
 - (e) a registered European lawyer within the meaning of the European Communities (Lawyer’s Practice) Regulations 2000⁽²⁾ who by virtue of regulations 6 and 12 of those Regulations is entitled to prepare for remuneration an instrument creating or transferring an interest in land in England and Wales.

Insurance

- 2.—(1) Where the applicant is under an obligation to comply with indemnity rules, that he holds a policy of indemnity insurance which complies with the indemnity rules applicable to him.
- (2) Subject to paragraph 3, where the applicant is not under an obligation to comply with indemnity rules, that a policy of indemnity insurance providing cover which in the opinion of the registrar is reasonably equivalent to the minimum cover for the time being required under the indemnity rules applicable to a solicitor is held by—
 - (a) the applicant,
 - (b) the applicant’s employer, or
 - (c) where the applicant meets the criterion in paragraph 1 by reason only of being within paragraph 1(1)(b) or (c), a qualified person as specified in paragraph 1(1)(b) or (c), as appropriate.
- (3) In this paragraph, “indemnity rules” means any rules for the time being in force—
 - (a) made under section 37 of the Solicitors Act 1974⁽³⁾, and any modification of such rules made under section 9(2)(f) of the Administration of Justice Act 1985 or section 89(3) of the Courts and Legal Services Act 1990⁽⁴⁾,

(1) 1985 c.61; section 21 was amended by S.I. 2001/3649, article 298.

(2) S.I. 2000/1119, amended by S.I. 2004/1628; there are other amending instruments but none is relevant.

(3) 1974 c.47.

(4) 1990 c.41.

- (b) made under section 21 of the Administration of Justice Act 1985, and any modification of such rules made under section 32(3)(f) of that Act, or
- (c) made under any other statutory provision enabling any person to make provisions governing the maintenance of professional indemnity insurance by persons providing legal services to the public.

3.—(1) An applicant who is a government department is not required to meet the criterion in paragraph 2.

(2) Any other applicant who is not under an obligation to comply with indemnity rules is not required to meet the criterion in paragraph 2(2) if he demonstrates to the reasonable satisfaction of the registrar that it would not be practicable for him to meet the criterion and that such indemnity insurance is unnecessary in view of his likely use of the network and his likely ability to meet any liability arising from such use.

System and security requirements

4. That the applicant demonstrates to the reasonable satisfaction of the registrar that he is able to comply with the system and security requirements set out or referred to in the agreement in respect of which the application is made.

Financial position

5. That the applicant demonstrates to the reasonable satisfaction of the registrar that he will be able to meet his likely obligations to the registrar in respect of the payment of fees prescribed under section 102 of the Act and charges payable under the terms of the agreement for applications made to and services to be provided by the registrar through the land registry network.

Applicant or connected person affected by termination, a notice of termination, intervention or disciplinary proceedings

6. An applicant who meets the criteria in paragraphs 1 to 5 but to whom paragraph 7 applies must satisfy the registrar that he is likely to comply with the terms of the agreement.

7. Subject to paragraph 8, this paragraph applies if—

- (a) the applicant or a connected person was a party to an agreement which was terminated by the registrar during the period of three years ending on the date of the application,
- (b) the applicant or a connected person is a party to an agreement which is at the date of the application subject to a notice of termination which has not expired or to suspension of termination under rule 10,
- (c) the applicant or a connected person was a principal in a practice which was subject to an intervention during the period of three years ending on the date of the application, or
- (d) the applicant is the subject of pending disciplinary proceedings or has had a charge proved against him in disciplinary proceedings during the period of three years ending on the date of the application.

8. Paragraph 7(a) does not apply where the termination of the agreement was the subject of a successful appeal commenced under paragraph 4 of Schedule 5 to the Act.

9.—(1) For the purposes of paragraph 7—

(a) “connected person” means—

- (i) a partnership or limited liability partnership of which the applicant was a member at the relevant date,

- (ii) a body corporate (other than a limited liability partnership) of which the applicant was an officer at the relevant date,
 - (iii) where the applicant is a partnership or limited liability partnership, a member of the applicant, and
 - (iv) where the applicant is a body corporate (other than a limited liability partnership), an officer of the applicant,
- (b) “disciplinary proceedings” means proceedings brought against the applicant or a connected person before—
 - (i) the Solicitors Disciplinary Tribunal constituted under section 46 of the Solicitors Act 1974,
 - (ii) the Discipline and Appeals Committee established under section 25 of the Administration of Justice Act 1985,
 - (iii) a disciplinary tribunal appointed by the Council of the Inns of Court, or
 - (iv) the Court of Faculties,
- (c) a person is a principal in a practice if—
 - (i) he is its sole principal,
 - (ii) where the practice is that of a partnership or limited liability partnership, he is a member of that partnership, or
 - (iii) where the practice is that of a body corporate (other than a limited liability partnership), he is a director of that body corporate.
- (2) For the purposes of sub-paragraph (1)(a), the relevant date is—
 - (a) where the agreement was terminated under rule 6(1)(a), the date of termination,
 - (b) where the agreement was terminated as a result of a notice of termination, the date of issue of the notice of termination,
 - (c) where at the date of the application the agreement is subject to a notice of termination which has not expired or to suspension of termination under rule 10, the date of issue of the notice of termination, or
 - (d) in relation to paragraph 7(c), the date of the intervention.